

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Keiici Ikeda, et al.

Group Art Unit: 2712

Serial No.: 08/842,394

Examiner: A. Christensen

Filed: April 23, 1997

For: IMAGE SENSING APPARATUS, IMAGE PROCESSING APPARATUS AND  
IMAGE SENSING SYSTEM

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Commissioner for Patents  
Washington, D.C. 20231  
Attention: Office of Petitions

JUL 03 2001

OFFICE OF PETITIONS

**PETITION UNDER 37 CFR § 1.182 REQUEST ACCEPTANCE OF REQUEST FOR CPA  
AS A CONTINUATION APPLICATION UNDER 37 CFR § 1.53(b)**

Sir:

Applicants hereby request, pursuant to 37 CFR §1.182, that the request for a Continued Prosecution Application (CPA) filed April 24, 2001, under 37 CFR § 1.53(d), be accepted and treated as a Continuation Application filed under 37 CFR § 1.53(b) with a filing date of April 24, 2001. The Commissioner is authorized to charge the fee of \$130.00 and any additional fees to Deposit Account No. 13-4500, Order No. 1232-4349US1.

On April 24, 2001, Applicants inadvertent filed a request for a CPA under 37 CFR § 1.53(d) in the above-identified application instead of a continuation application under 37 CFR § 1.53(b). A Notice of Improper Request for Continued Examination (RCE) (Form PTO-2051) was mailed to Applicant on May 4, 2001. A copy of the May 4, 2001 Notice is enclosed herewith.

Enclosed herewith is a copy of the parent application, drawings, executed Declaration and Power of Attorney and executed assignment that were originally filed April 23, 1997.

Patent  
Docket No. : 1232-4349US1

Furthermore, Applicants enclose herewith a Preliminary Amendment for consideration by the Examiner.

Favorable and early consideration is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that may be required in association with the filing of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3048-7038.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By:   
\_\_\_\_\_  
Brian W. Brown  
Registration No. 47,265

Dated: July 2, 2001

**Mailing Address:**

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154-0053  
(212) 758-4800 (Telephone)  
(212) 751-6849 (Facsimile)



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR |           | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|-----------|---------------------|
| 08/842,394      | 04/23/97    | IKEDA                | ZOJI MAYU | K 1232-4349         |

CHRISTOPHER E CHALSEN  
MORGAN & FINNEGAN  
345 PARK AVENUE  
NEW YORK NY 10154

ORGAN WM21/0504 FINNEGAN 11/11/57

EXAMINER

ART UNIT 2612 PAPER NUMBER 13

DATE MAILED: 03/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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JUL 03 2001

## OFFICE OF PETITIONS



APPLICATION NUMBER FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

08/842,394 04/23/97 IKEDA

K 1232-4349

WM2170504

CHRISTOPHER E CHALSEN  
MORGAN & FINNEGAN  
345 PARK AVENUE  
NEW YORK NY 10154

CHRISTENSEN, A  
DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 5/24/01 05/04/01 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

***A copy of this notice MUST be returned with any reply.***

Direct the reply and any questions about this notice to:

*John M. Decker* Examining Group 2600  
(703) 301-2941



**APPLICATION NUMBER**

**FILING DATE**

**FIRST NAMED APPLICANT**

ATTY. DOCKET NO. 6116

[www.uspto.gov](http://www.uspto.gov)

ROCKET NO. 717-2

ATTY. DOCKET NO./TITLE

DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4/24/01 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
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**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Mark M. Hansen, Examining Group 2600

(703) 30 12 - 29411



581 A  
P. Chalson  
1232-4344

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 18, 1997

PTAS

MORGAN & FINNEGAN, L.L.P.  
CHRISTOPHER E. CHALSEN  
345 PARK AVENUE  
NEW YORK, NY 10154

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DOCKET DEPT



\*100432762A\*

JUL 28 1997

~~RECORDED~~  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/23/1997

REEL/FRAME: 8550/0636  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IKEDA, KEIICHI

DOC DATE: 04/21/1997

ASSIGNOR:

HABA, YOSHITO

DOC DATE: 04/14/1997

ASSIGNEE:

CANON KABUSHIKI KAISHA  
30-2, SHIMOMARUKO 3-CHOME, OHTA-KU  
TOKYO, JAPAN

SERIAL NUMBER: 08842394

FILING DATE:  
ISSUE DATE:

PATENT NUMBER:

JOANN STEWART, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

JOINT  
(BEFORE APPLICATION FILED)

**ASSIGNMENT OF PATENT RIGHTS FOR THE UNITED STATES**

FOR VALUE RECEIVED, We, Keiichi IKEDA and Yoshito HABA  
citizens of Japan  
residing respectively at 2820-34, Totsukacho, Totsuka-ku, Yokohama-shi,  
Kanagawa-ken, Japan; and 24-2, Tagara 2-chome, Nerima-ku,  
Tokyo, Japan  
hereby sell, assign, transfer and convey unto Canon Kabushiki Kaisha  
a corporation of Japan  
having a place of business at  
30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, Japan  
its successors, assigns and legal representatives (hereinafter called the "Assignee"), the entire right, title  
and interest, for the United States, in and to certain inventions relating to

**IMAGE SENSING APPARATUS, IMAGE PROCESSING APPARATUS AND  
IMAGE SENSING SYSTEM**

and described in an application for Letters Patent of the United States executed by each of us, respectively,  
on the date indicated below and in and to said application, and all divisions, renewals and continuations  
thereof, and all Letters Patent of the United States which may be granted, thereon, and all reissues and  
extensions thereof; and we hereby authorize and request the Commissioner for Patents and Trademarks of  
the United States to issue all Letters Patent upon said inventions to the Assignee or to such nominees as  
it may designate.

AND we authorize and empower the said Assignee or nominees to invoke and claim for any  
application for patent or other form of protection for said inventions, the benefit of the right of priority  
provided by the International Convention for the Protection of Industrial Property, as amended, or by any  
convention which may henceforth be substituted for it, and to invoke and claim such right of priority  
without further written or oral authorization from us.

AND we hereby consent that a copy of this assignment shall be deemed a full legal and formal  
equivalent of any assignment, consent to file or like document which may be required in the United States  
for any purpose and more particularly in proof of the right of said Assignee or nominees to claim the  
aforesaid benefit of the right of priority provided by the International Convention for the Protection of  
Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

AND we hereby covenant that we have the full right to convey the entire right, title and interest herein  
assigned and that we have not executed and will not execute any agreement in conflict herewith.

AND we hereby covenant and agree that we will communicate to said Assignee or nominees all facts  
known to us pertaining to said inventions, and testify in all legal proceedings, sign all lawful papers,  
execute all divisional, continuing and reissue applications, make all rightful oaths and declarations and in  
general perform all lawful acts necessary or proper to aid said Assignee or nominees in obtaining,